



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400025
Applicant Name : Ben Rankin
Address of Proposal: 1733 25th Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into three unit lots in an Environmentally Critical Area. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The existing single family structures are to remain.

The following approval is required:

Short Subdivision - To divide one parcel of land into two unit lots.
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination (Seattle Municipal Code Chapter 25.05)*

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading,
or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is approximately 7,200 square feet and is located in a Multi-Family Lowrise Duplex Triplex zone (LDT) on southwest corner of the intersection of East Howell Street and

25th Avenue. East Howell Street is a two-lane paved street with curbs, gutters and sidewalks on both sides. 25th Avenue is also a two-lane paved street with curbs, gutters and sidewalks on both sides.

The lot has approximately 120-feet of street frontage along East Howell Street and approximately 60-feet of street frontage on 25th Avenue. The site also abuts a 16-foot wide improved alley which is used for vehicular access. Site vegetation includes grass, shrubs and trees. A portion of the site along the east property line is mapped as steep slope, which is an Environmentally Critical Area (ECA).

Area Development

Zoning in the vicinity is mixed between multi-family and single-family, but is characterized largely by the Multi-Family Lowrise Duplex Triplex zone (LDT) encompassing the block in which the site is located. West and north of the block is area zoned Multi-Family Lowrise 2 (L-2). To the south of the block is an area designated as Single Family 5000 (SF 5000). In combination, these areas are developed with single-family and multi-family structures.

Proposal Description

The applicant proposes to subdivide one parcel of land into three unit lots. Proposed unit lot sizes are: A) 2,584.0 square feet, B) 2,380.0 square feet; and C) 2,241.0 square feet. Required vehicle access for the three unit lots is proposed off of the adjacent 16-foot wide alley. There is an existing parking deficit of one parking space due to the year the single family homes were constructed.

Public Comments

The public comment period for the proposed project ended on March 10, 2004 and no comments were received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The existing parent lot subject to this subdivision does not conform to all development standards of the LDT zone, but is recognized as an existing legal nonconformity. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to code requirements for the parent lot at the time of application.

2. *Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;*

Vehicular access to each of the parcels will be off of the adjacent 16-foot wide alley. Unit Lots B and C will have onsite parking provided. Pedestrian access to the unit lots would be obtained from the street. However, a pedestrian access easement of approximately 4- feet in width is proposed between proposed Unit Lot A and Unit Lot B. In order to insure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light provides electrical service to the subject property and has indicated an easement is not required.

As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

Sanitary Sewer: The three existing structures located upon the proposed short plat are connected by means of a shared sidesewer to an 8-inch public combined sewer (PS) located in 25th Avenue.

Drainage: The PS will be the appropriate point for stormwater discharge.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 04-0181 on February 24, 2004. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The site is mapped as steep slope, which is a City of Seattle Environmentally Critical Area. A limited ECA exemption was granted under DPD Project #2400451. It was determined by DPD

reviewers that the mapped steep slope area is less than 20-feet in height and not part of a larger slope system. ECA steep slope standards were waived for the site.

6. *Is designed to maximize the retention of existing trees;*

Not applicable, as the development of the subject site is permitted by approval of the associated building permit. No trees are expected to be removed as a result of this short subdivision.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposal site is located in a Steep Slope Environmentally Critical Area, thus this short subdivision is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (prepared November 20, 2003), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Areas, which are subject to additional environmental review to determine impacts and to provide further mitigation beyond the development standards required by all City codes. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term/Long-term Impacts

There are no anticipated significant negative impacts to the Steep Slope Environmentally Critical Area from the proposed subdivision. All potential impacts to the ECA will result from the development. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. A limited ECA exemption was granted under DPD Project #2400451. It was determined by DPD reviewers that the mapped steep slope area is less than 20-feet in height and not part of a larger slope system. ECA steep slope standards were waived for the site.

Summary

In conclusion, there are no environmental impacts to the ECA that could result from the proposed short subdivision and all environmental impacts to the ECA from the proposed development have been found to be insignificant and/or have been mitigated by applicable city codes and ordinances.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
3. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.

Signature: _____ (signature on file) Date: April 15, 2004

Bryan C. Stevens, Land Use Planner
Department of Planning and Development
Land Use Services

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